

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 10

Amendments to the Drawings:

The attached two sheets of drawings include changes to prior Figs. 1 and 2 to indicate that Fig. 1 is "prior art", and to add reference numerals to both Figs. 1 and 2. These two replacement sheets include Fig. 1 and Fig. 2, which replace the current sheets including Fig. 1 and Fig. 2.

Attachment: Two (2) Replacement Sheets

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 11

Remarks/Arguments:

Applicants request continuing examination of the present application, and a separate request in this regard is enclosed. Reconsideration of the application as amended is requested.

Applicants request a one month extension of time to respond to the outstanding Office action, and a separate petition to this effect is enclosed.

The Examiner's additional remarks and newly cited reference have been received and carefully considered. Prior claims 26-28, 30 and 36-45 have been amended.

In response to the Examiner's rejection to the drawings, amended Figs. 1 and 2 are submitted herewith, which include reference numerals to show the subject matter described at page 4, lines 10-20 in the specification. Furthermore, Fig. 1 has been amended to identify the same as "prior art". Applicants submit that new Figs. 1 and 2 do not add any new matter to the application, and overcome the Examiner's objections. Furthermore, a complete set of formal drawings will be submitted to the Examiner upon an indication of allowable subject matter.

In response to the Examiner's objection to the specification, the reference numeral 56 on page 7, line 12 has been amended to "58". Also, the specification has been amended at page 4, line 18 include the alternative spelling of facia as "fascia" in response to the Examiner's claim objections. The claims have been amended to use the "fascia" spelling of this term.

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 12

In further response to the Examiner's objection to the claims, the term "guard" has been deleted, and replaced by the phrase "cover assembly", which is supported by the original specification.

Amended claim 26 recites a rain gutter system for buildings, comprising a conventional rain gutter having a generally trough-shaped interior, a rear wall extending along a roof fascia, a bottom wall and a front lip. Claim 26 also includes a gutter cover assembly for deflecting debris from the interior of the gutter. The gutter cover assembly includes an elongate gutter cover having a back section extending along an associated roof, a middle section extending over the interior of the gutter, and a front section extending adjacent to the front lip of the gutter. The middle section of the gutter cover has an integrally formed, longitudinally extending, doubled-over fold which projects generally horizontally toward the back section of the gutter cover to define a male coupling member that opens downwardly and has a closed end, and an open end positioned vertically below the closed end to prevent rainwater and debris from collecting in the male coupling member. The gutter cover assembly specified in amended claim 26 also includes a mounting bracket operably connected with the gutter and having an intermediate portion supporting the middle section of the gutter cover thereon to deflect debris from the interior of the gutter, and a forward portion supporting the front section of the gutter cover along the front lip of the gutter. The intermediate portion of the mounting bracket has a coupling slot that opens generally horizontally toward the front section of the mounting bracket to define a female coupling member which opens downwardly similar to the

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 13

male coupling member, and in which the male coupling member of the gutter cover is closely received and retained to securely mount the gutter cover on the mounting bracket without separate fasteners. The Examiner rejected prior claims 26-45 under 35 U.S.C. § 103(a) as being unpatentable over the newly cited Albracht Patent 6,701,674. More specifically, the Examiner states,

“Regarding claims 26 and 36, Albracht teaches a rain gutter system for buildings, comprising:

“a conventional rain gutter having a generally trough-shaped interior (gutter 190 of figure 1), a rear wall extending along a roof fascia (197), a bottom wall and a front lip; and

“a gutter guard (101) capable of deflecting debris from said interior of said gutter, including:

“an elongate gutter cover having a back section extending along an associated roof (in figure 1 this corresponds to 107), a middle section (at 101 arrow of figure 1) extending over said interior of said gutter, and a front section extending adjacent (109) to said front lip of said gutter (as illustrated in figure 1);

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 14

“said middle section of said gutter cover having an integrally formed, longitudinally extending , doubled-over fold which projects generally horizontally toward said back section of said gutter cover (the doubled over fold 112 of the embodiment of figure 8e as applied to the same feature 112 in figure 1 projects generally horizontally toward the back of the gutter cover) to define a male coupling member; and

“a mounting bracket (250 of figure 1) operably connected with said gutter and having an intermediate portion (153 of figure 1) supporting said middle section of said gutter cover thereon to deflect debris from said interior of said gutter, and a forward portion (at 172) supporting said front section of said gutter cover along said front lip of said gutter;

“said intermediate portion (153) of said mounting bracket having a coupling slot opening generally horizontally toward said front section of said mounting bracket (the examiner construes it would be obvious when using the embodiment of figure 8e to have a coupling slot in the mounting bracket which opens generally horizontally toward the front section to match that of the projection 112) to define a female coupling member in which said male coupling member of said gutter cover is closely received and retained to securely mount said gutter cover on said mounting bracket without

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 15

separate fasteners (as illustrated in figure 1, 112 is retained in a female coupling member).”

With respect to rejected claims 27 and 37, the Examiner states,

“Regarding claims 27 and 37, Albracht teaches the coupling slot in said mounting bracket is generally U-shaped (153 as illustrated in figure 1 is U-shaped) with generally parallel opposite sidewalls (figure 1 shows parallel sidewalls) inclined in a downward direction (the examiner construes the coupling slot is slightly inclined downwardly due to the shape of the inclination of the gutter cover 101).”

With respect to prior claims 28 and 38, the Examiner states,

“Regarding claims 28 and 38, Albracht teaches the fold in said gutter cover is spaced below and parallel with said middle section of said gutter cover, and is inclined in an upward direction (projection 112 as illustrated in figure 8e).”

The newly cited Albracht Patent 6,701,674 discloses a snap-on installation gutter protection system, which in the embodiment illustrated in Fig. 1 is identified by the reference numeral 100, and includes a gutter 190, a cover 101 and a bracket 150. The cover 101 is formed of a sheet material and includes a roof sealing lip 104, an upper portion 107, a lower portion 109, at least one projection or flex fold 112, a nose portion 116, a return portion 122 and a bracket retention lip 125. The flex fold 112 allows the cover 101 to flex in order to accommodate roofs of varying pitch. In the example illustrated in Fig. 1, flex fold 112 is received in an upwardly opening channel portion of the bracket 150 defined between a pair of

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 16

upper legs 153. The flex fold 112 extends downwardly into the upwardly opening channel defined between upper legs 153 of bracket 150, and lies against an angled cover retaining lip 166.

While the Albracht '674 gutter protection system does include a cover 101 with a flex fold 112 which at least in part serves to retain the cover 101 on the mounting bracket 150, it is otherwise quite dissimilar from Applicants' unique rain gutter system as set forth in amended claim 26. More specifically, in Applicants' amended claim 26, the male coupling member on the gutter cover is "closely received" and retained in the female coupling member on the mounting bracket. As clearly shown in Fig. 1 of the Albracht '674 patent, the flex fold 112 is not "closely received" within the channel formed by upper walls 153. Furthermore, in each of the embodiments illustrated and described in the Albracht '674 patent, the flex folds 112 open in an upward direction, wherein the open end of the flex fold is positioned vertically above the closed or folded over end of the flex fold, such that rainwater and/or debris will collect and pool therein. In contrast, in Applicants' amended claim 26, the male coupling member in the gutter cover opens downwardly, wherein the open end is positioned vertically below the closed or folded over end so as to prevent rainwater and debris from collecting in the male coupling member. Furthermore, in the rain gutter system set forth in Applicants' amended claim 26, the female coupling member in the mounting bracket also opens downwardly in a manner similar to that of the male coupling member. In the Albracht '674 patent, the channel in the bracket 150 formed between upper walls 153 opens vertically upwardly. As a consequence,

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 17

rainwater, as well as debris, can collect in the flex fold 112 of the Albracht '674 gutter system, whereas in Applicants' claimed arrangement, rainwater and roof debris shed away from the male and female connectors to provide a more secure, long lasting interconnection between the gutter cover and the mounting bracket, without requiring separate fasteners. Consequently, Applicants assert that amended claim 26 is clearly patentable over the Albracht '674 patent, as well as the other references of record.

Applicants' amended claim 27 further recites that the coupling slot in the mounting bracket is generally U-shaped, and has generally parallel opposite sidewalls inclined in a downward direction, a closed end, and an open end positioned vertically below the closed end of the coupling slot. As noted above, in the Albracht '674 patent, the channel portion of bracket 150 formed between upper walls 153 opens vertically upwardly, wherein the closed end 154 is located below the open end of the channel. Consequently, amended claim 27 is clearly patentable over the Albracht '674 patent.

Furthermore, amended claim 28, which depends from dependent claim 27, further recites that the gutter cover includes a step-shaped lip portion disposed adjacent to a forward area of the middle section of the gutter cover, and the fold in the gutter cover is positioned a spaced apart distance below and parallel with the middle section of the gutter cover, and is oriented generally perpendicular with the step-shaped lip portion, and inclined in an upward direction. Clearly, the location of the Albracht flex fold 112 relative to the upper portion 107 and lower portion 109 of the cover 101 does not incorporate this feature. The claimed

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 18

orientation of Applicants' gutter cover is particularly beneficial in retaining the gutter cover securely connected with the mounting bracket even under high wind conditions which tend to lift the gutter cover upwardly off of the mounting bracket.

The remaining references of record have been carefully examined, and none teach or suggest those unique aspects of Applicants' claimed invention as discussed in detail above. Claims 29-35 depend either directly or indirectly from claim 26 and add additional features and structure thereto which Applicants believe further distinguish the same from the references of record.

Prior claim 36 has been amended to a form similar to amended claim 26, which is discussed in detail above. Applicants assert that claim 36, along with claims 37-45 which depend therefrom, are patentable over the Albracht '674 patent and remaining references of record for those reasons set forth above in support of amended claims 26, 27 and 28.

Applicants submit that the references of record do not teach or in any way suggest the unique rain gutter system and/or cover assembly defined in the amended claims. Applicants' invention is directed to problems that are not addressed by any of the prior art references, and solves problems and inconveniences experienced in the prior art, thereby representing a significant advancement in the art. It is therefore respectfully submitted that claims 26-45

Applicants : Les Teichner et al
Serial No. : 10/550,404
Confirmation : 2285
Atty. Dkt. : QUA009 P314
Page : 19

inclusive should be allowed, since the references, taken singularly or in any combination, do not teach the unique invention set forth therein. A notice to this effect is earnestly solicited.

Respectfully submitted,

LES TEICHNER ET AL

By: Price, Heneveld, Cooper, DeWitt &
Litton, LLP



Carl S. Clark
Registration No. 28 288
695 Kenmoor S.E.
P.O. Box 2567
Grand Rapids, Michigan 49501
616/949-9610

CERTIFICATE OF MAILING

I hereby certify that this correspondence, and all identified enclosures and attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on

2/3/10



Carl S. Clark

CSC/jkrp
Enclosures